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### **REMARKS**

This Response is a full and timely response to the Office Action of June 4, 2007. Claims 1-24 and 27-30 are pending.

#### **I. RELATED ISSUES CONSIDERED IN PARENT APPLICATION**

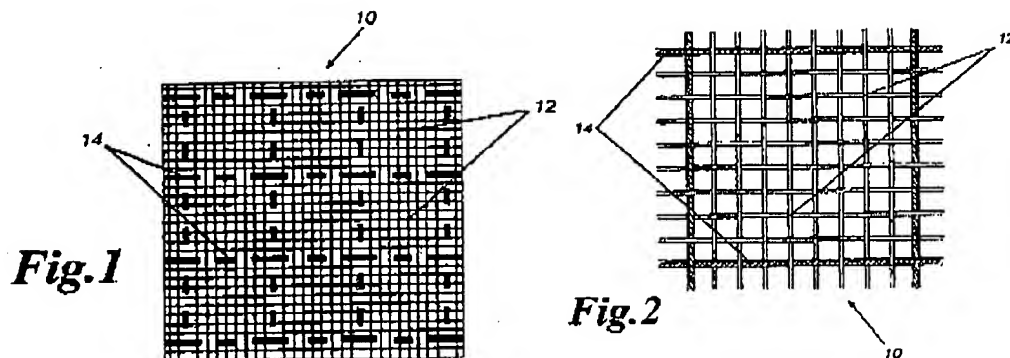
This application claims priority to Application Serial No. 10/269,213, which is currently on appeal. The issues being addressed in that appeal are relevant to this case.

#### **II. CLAIM REJECTIONS – 35 USC § 103**

The Action rejects claims 1-24 and 27-30 under 37 C.F.R. § 103(a) as unpatentable over *Thomas*, stating “*Thomas et al.* disclose the claimed invention except for the specific teaching that the yarns do not protrude beyond an outer surface of the fabric. It would have been obvious to one having ordinary skill in the art to have the yarns of *Thomas* not protrude beyond an outer surface of the fabric body, motivated by the desire to create a firefighters’ garment that would not easily be caught fire.” Action, pp. 2-3. Applicants’ Assignee respectfully traverses this rejection and requests its withdrawal.

*Thomas* discloses a fabric for an outer shell of a firefighter's garment having “superior tear and abrasion resistance.” Col. 2, ll. 61-62. The fabric 10 is formed of spun yarns 12 (which the Action analogizes to the recited body yarns) and multi-filament yarns 14 (which the Action analogizes to the recited relatively tough yarns). Col. 2, ll. 10-13. As explained in great detail in Assignee’s last *Amendment and Response* and consistent with a tear-resistant function, *Thomas* discloses a fabric whereby the multi-filament yarns 14 (the alleged relatively tough yarns) are *substantially* larger than spun yarns 12 -- and thus protrude beyond the fabric surface.

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This is precisely the opposite configuration recited in independent claims 1, 27, and 29, which recite relatively tough yarns that “do not protrude beyond an outer surface of the fabric body.” In this way, the relatively tough yarns are shielded from abrasion.

The Action acknowledges that *Thomas* fails to teach relatively tough yarns (multi-filament yarns 14) that do not protrude beyond an outer surface of the fabric body. Yet the Action concludes that it would have been obvious to re-configure the yarns in the *Thomas* fabric so that the multi-filament yarns 14 do not protrude because one of ordinary skill would be “motivated by the desire to create a firefighter’s garment that would not easily be caught fire.” Action, p. 3; *see also* Action, p. 4. Applicants’ Assignee disagrees with this rationale.

The spun yarns 12 in *Thomas* are formed of a blend of flame resistant fibers. Col. 2, ll. 22-34. The multi-filament yarns 14 in *Thomas* are similarly formed of aramid fibers. Col. 2, ln. 50. Aramid fibers are *inherently flame resistant*. The entirety of the *Thomas* fabric is thus flame resistant so as not to catch fire. Thus, whether the filament yarns 14 protrude beyond the outer surface of the *Thomas* fabric does not impact the flammability of the fabric – it is flame resistant regardless of the orientation of the yarns in the fabric. Thus, one of ordinary skill in the art would not be motivated, as the Action suggests, to re-configure the *Thomas* fabric so that the filament yarns 14 do not protrude.

Rather, given that the goal of *Thomas* is to provide a fabric having “better tear and abrasion resistance,” (col. 1, ll. 50-51 and col. 2, ll. 61-62), one of skill in the art would not be motivated to alter the *Thomas* fabric but rather, consistent with the teachings of *Thomas*, form a fabric that has relatively tough yarns (i.e., the multi-filament yarns) that that are substantially larger than the remainder of the yarns to impart the desired tear resistance.

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At least because *Thomas* fails to teach or suggest a fabric having relatively tough yarns that do not protrude beyond the outer surface of the fabric body, it fails to anticipate or render obvious independent claims 1, 27, and 29. These claims are therefore allowable, as are claims 2-24, 28, and 30, which ultimately depend from allowable claims 1, 27, and 29, respectively.

Dependent claims 9 and 21 and independent claim 29 recite relatively tough yarns formed of a spun yarn in addition to a filament yarn. The Action summarily rejects these claims, yet cites no support for such rejections. Indeed, it fails to address claims 9 and 21 altogether. The multi-filament yarns 14 (the alleged relatively tough yarns) in *Thomas* include filament yarns only – no spun yarns. Thus, *Thomas* fails to anticipate or render obvious claims 9, 21, and 29 for this additional reason.

#### CONCLUSION

Pending claims 1-24 and 27-30 are believed to be in condition for allowance. The Examiner is invited to contact the undersigned attorney at (404) 815-6626 for any reason.

Respectfully submitted,



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DATE: 30 OCTOBER 2007

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